IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 3696 of 1995

Between:

Boya Ramakka, W/o.Venkataswamy,
R/o.Nandikottur Kurnool Dist.

..... PETITIONER

AND

1 The Special Deputy Collector (Land Acquisition Officer), Kurnool
2 The Dist. Collector, Kurnool
3 The Chairman, Lok Adalat (District Judge), Kurnool

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents in not paying the compensation amount as settled by the Lok Adalat headed by the third respondent herein in respect of Sy.Nos.765 and 775 an extent of Ac.7-02 cents situated at Konda Pragaturu village, Nandikotkur taluk Kurnool Dist. as arbitrary, illegal, un-constitutional and without jurisdiction and consequently direct the respondents to pay the compensation amount to the petitioner forthwith;

Counsel for the Petitioner: MR.C.B.RAM MOHAN REDDY

Counsel for the Respondents 1 & 2 : GP FOR LAND ACQUISITION

Counsel for the Rerspondent no.3: G.P. for Social Welfare.

The Court made the following :

O R D E R :

Heard both sides.

The petitioner, who claims to be absolute owner of the land in question, namely in survey nos. 765 and 775 in an extent of Ac.7.02 cents situated in Konda Pragaturu village, Nandikotkur taluq, Kurnool district, filed this Writ Petition, inter alia, seeking for direction for making payment of the compensation which has been determined in pursuance of the proceedings initiated under the provisions of the Land Acquisition Act.

The case of the petitioner, in brief, is that the said property was purchased by her grand father under a registered sale deed on 30.5.1924 and was in possession thereof. The petitioner succeeded the property from him and has been in possession thereof. Subsequently, the said land was acquired by the respondents 1 and 2, the matter was referred to the Lok Adalat, compensation was determined and the same is in deposit of the third respondent herein. However, having regard to certain disputes raised by third parties, the petitioner had to approach the civil Court in O.S.No.34 of 1994 on the file of the Subordinate Judge, Nandikotkur for necessary declaration of her title, wherein she initially obtained interim injunction in I.A.No.226 of 1994 on 16.8.1994 restraining others not to withdraw the said compensation. Ultimately, the said suit was decreed in her favour. The said decree having not been challenged later, became final, conclusive and binding. In view of the same, the petitioner sought for compensation. Hence, the Writ Petition.

There is no serious dispute in regard to the petitioner’s claim, more so, in view of the decree obtained by her as aforesaid, which has become final, conclusive and final. Though an attempt was made by the very same persons, who sought to make a claim in respect of the

same land, for impleading themselves in this Writ Petition as respondents, this Court dismissed the same in W.P.M.P. No.22117 of 1999 on 06.09.1999. In the circumstances, there can not be any dispute in regard to the entitlement of the compensation by the petitioner.

Accordingly, the Writ Petition is allowed. The respondents are directed to permit the petitioner to withdraw the compensation in respect of the above land, which is in deposit with third respondent. No costs.

23.09.2004

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice,

On this Thursday, the twenty third day of September, Two thousand and four.

Assistant Registrar.

Copy to:

1 The Special Deputy Collector
Kurnool

2 The Dist. Collector,
Kurnool

3 The Chairman, Lok Adalat
Kurnool

4 Two CCs. to the G.P. for Land Acquisition, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

5 Two CCs. to the G.P. for Social Welfare, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

6 Two CDs.